HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI
AND
HON'BLE SRI JUSTICE G. V. SEETHAPATHY

Writ Appeal No.862 of 2006

Between:

The Joint Collector, Ranga Reddy
District and another

… Appellants

And

B. Bhoomarajam

… Respondent

::JUDGMENT::

Counsel for the appellants: Special Government Pleader

Counsel for respondent: Shri B. Mahender Reddy

August 10, 2006

Per G.S. Singhvi, CJ

Whether the assignment of land made in favour of the respondent in 1967 by treating him as a political sufferer could be cancelled by Joint Collector, Ranga Reddy District (appellant No.1 herein) after a long time gap of 33 years is the question which arises for consideration in this appeal filed against order dated 30th March,

2005 passed by the learned Single Judge in Writ Petition No.14212 of 2000.

The Facts:

The respondent who is now 76 years old claims to have participated in Indian independence movement and undergone imprisonment. He was recognized as a political sufferer in terms of Para 2 of the scheme framed by the Government of Andhra Pradesh, which was circulated vide G.O.Ms.No.1110, Revenue, dated 26-5-1960. In 1967, he was assigned 10 acres of land comprised in Survey No.805, Medchal Village by being treated as a political sufferer. After some time, Tahsildar, Medchal sent letter dated 26-7-1968 to the Sub-Collector proposing cancellation of the assignment made in favour of the respondent, but no further action was taken till 3-10-1990 when the Revenue Divisional Officer issued notice to the respondent proposing cancellation of assignment. After another six years, District Revenue Officer, Ranga Reddy District (appellant No.2 herein) issued another notice dated 9-7-1996 for cancellation of the assignment made in favour of the respondent on the following two grounds:

a) Medchal Village falls within the area of 10 miles of the periphery of Hyderabad Municipal Corporation and assignment of land in that village is prohibited by G.O.Ms.No.1122, Revenue, dated 29-6-1961, and

b) assignment of land in Medchal Village was totally prohibited vide G.O.Ms.No.1409, Revenue, dated 19-8-1978.

The respondent filed reply to contest the proposed cancellation of assignment, but, without adverting to the same, appellant No.2 cancelled the assignment vide proceedings No.B1/1007/91,

dated 16-12-1996. Appeal preferred by the respondent was not only entertained by the Special Commissioner, but was allowed by the officer concerned and the matter was remanded to appellant No.2 for fresh consideration. Thereafter, appellant No.1 passed order dated 20-5-2000 for cancellation of the assignment by observing that the respondent was not a genuine political sufferer and that assignment of the land in the area in question is prohibited.

The respondent challenged the order of cancellation in Writ Petition No.14212 of 2000 by contending that such an action could not have been taken after a gap of almost 33 years from the date of assignment and that too by ignoring the fact that he had already spent substantial amount for making improvements. He also pleaded that in view of assignment of land made in his favour, the restriction contained in G.O. Ms. No. 1122, dated 29-6-1961 and G.O.Ms.No.1409, dated 19-8-1978 will be deemed to have been relaxed.

In the counter-affidavit filed on behalf of the appellants, the factum of assignment of land to the respondent was not disputed, but it was averred that the assignment had been made in violation of the prohibition contained in G.O. Ms. No.1122, dated 29-6-1961. It was further averred that the writ petitioner was not a recognized political sufferer and, therefore, the assignment made in his favour was nullity.

On a consideration of the pleadings and arguments of the advocates for the parties, the learned Single Judge quashed the order impugned in the writ petition by observing that the writ petitioner had been rightly treated as a political sufferer for the purpose of assignment of land in terms of G.O.Ms.No.1110, dated 26-5-1960 and that there was no justification to cancel the assignment after a long

time gap of 33 years. The learned Single Judge held that the suo motu power of review vested in the competent authority under Section 166-B of Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 Fasli could not have been invoked after about 30 years of the assignment. For taking this view, the learned Single Judge relied on the judgments of the Supreme Court in **State of Gujarat v. Patel Raghav**[1], **Ibrahimpatnam Taluk Vyavasaya Coolie Sangam v. K. Suresh Reddy**[2] and of this Court in **Ibrahimpatnam Taluk Vyavasaya Coolie Sangam v. K. Suresh Reddy**[3] and **Yamunanagar Cooperative House Building Society v. Government of Andhra Pradesh**[4].

Learned Special Government Pleader argued that in the absence of any statutory bar of limitation, the order of cancellation passed by appellant No.1 could not have been nullified by the learned Single Judge only on the ground of delayed initiation of action. He submitted that notice dated 3-10-1990 was issued to the respondent immediately after the authority concerned realized that the assignment made in his favour was contrary to the policy framed by the government. He then argued that the mistake committed by the competent authority in 1967 by way of assignment of land to the respondent could always be rectified and the latter should not be heard to make a grievance against the action taken by the competent authority because he does not satisfy the criteria of a political sufferer.

In the context of the last mentioned submission, we asked the learned Special Government Pleader to elaborate as to why the respondent cannot be termed as a political sufferer in terms of policy circulated vide G.O.Ms.No.1110, dated 26-5-1960 and what

was the justification for initiation of action for cancellation of assignment after a period of almost 30 years, but he could not give any reply. Rather, he half-heartedly conceded that cancellation of assignment made in favour of the respondent has resulted in depriving him of his right over the land after a gap of more than 30 years.

In our opinion, the appellants could not have questioned the respondent's status as a political sufferer after a long time gap of 30 years from the date of assignment made in his favour and the learned Single Judge did not commit any illegality by quashing the order impugned in the writ petition. Admittedly, the respondent was assigned land by being treated as a political sufferer. The appellants or any other functionaries of the government did not question his status as a political sufferer. Therefore, after a long time gap of 30 years, it was not open to the appellants to cancel the assignment made in his favour merely because some officer of the government thought that his status as a political sufferer is questionable. The casual and perfunctory manner in which the officers concerned have acted in dealing with a person who was recognized by the government as a political sufferer leaves much to be desired.

We are further of the view that the assignment made in favour of the respondent in the year 1967 could not have been cancelled in 2000 on the pretext that while making assignment the concerned authority had violated the instructions issued by the State Government, because it is neither the pleaded case of the appellants nor any evidence has been produced before the Court to show that the respondent was, in any manner, responsible for the so-called violation of the policy.

In the result, the appeal is dismissed.

G.S. SINGHVI, CJ

G. V. SEETHAPATHY, J

August 10, 2006

svs

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[1] AIR 1969 SC 1297

[2] (2003) 7 SCC 667

[3] 1996 (2) An.W.R. 511 (D.B.)

[4] 1997 (4) ALD 359 (D.B.)